IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

Tr.P(Crl.).No. 57 of 2007()

S.T.NO.790/05 PENDING BEFORE THE J.F.C.M-VI, MARAD

PETITIONER: ACCUSED:

P.A.ASIF, S/O. ABDUL AZEEZ, PROPRIETOR
FOR PULIMOOTTIL AGENCIES, EDAVU, VARKALA,
THIRUVANANTHAPURAM.

BY ADV. SRI.M.TRIPTEN

RESPONDENTS: COMPLAINANT & STATE:

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1. JOHN THOMAS, S/O.T.K.THOMAS,
PROPRIETOR CUM MANAGER, SOORYA ENTERPRISES,
NEAR SUCI OFFICE, KALOOR ROAD, MANKEVE P.O.,
KOZHIKODE.

2. STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Tr.P.Cr.No.57 of 2007

Dated this the 13th day of July, 2007

O R D E R

The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. The petitioner has come to this Court with this petition seeking a transfer of the case to any other Court of competent jurisdiction. What is the reason ? The short contention of the petitioner is that he is afraid to proceed to Calicut where the case is pending, because he apprehends that physical harm may be caused to him at the hands of the complainant and his henchmen. A warrant of arrest has been issued by the learned Magistrate against him. In these circumstances, he prays that there may be a direction to transfer the case to any other Court.

2. The learned counsel for the petitioner, to show his bona fides in the course of submissions made before this Court, offers to deposit the entire amount shown in the cheque before the learned Magistrate forthwith. I am satisfied that, that offer shows the bona fideS of the petitioner. I am satisfied, in these circumstances, that it can be directed that if the petitioner deposits such amount and applies through counsel for exemption from his personal appearance, the learned Magistrate shall grant that request, withdraw the non bailable warrant issued against the petitioner and permit the petitioner to be represented by his counsel and conduct the case.

3. This Transfer Petition is, in these circumstances, dismissed, but the above directions are issued to the learned Magistrate.

Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-